

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

**MONARCH FIRE PROTECTION DISTRICT OF)
ST. LOUIS COUNTY, MISSOURI,)**

Plaintiff,)

) Case No. 4:08-CV-1424-ERW

v.)

**FREEDOM CONSULTING & AUDITING)
SERVICES, INC., BRETT TURNER and)
KAREN RITTINGER,)**

Defendants.)

MANDATORY INJUNCTION

The Court hereby enters its Judgment and Order as follows:

For purposes of this Judgment, Order and Mandatory Injunction, “protected health information” shall be defined as per the Health Insurance Portability And Accountability Act and 45 C.F.R. Sec. 160.103 and shall sometimes be referred to as “PHI.”

During the course of their audit of Plaintiff’s self-insured health plan, Defendants took possession of paper and electronic documents that contained protected health information regarding the participants in Plaintiff’s group health plan. Defendants additionally allowed its contractors and employees, its legal counsel (including Andrew Haynes), and Rick Barry to have access to this protected health information and continue to possess the protected health information of plan participants.

The Court finds that Defendants and the others who continue to possess PHI of the participants in Plaintiff’s self-insured group health plan have no continuing need to possess PHI, and, therefore, upon Plaintiff’s Motion, the Court enters its Order as follows:

1. Defendants shall return all PHI in their possession, whether in paper or electronic form, to counsel for Plaintiff no later than ^{April} ~~January~~ 1, 2010. Each Defendant shall, by said time, file an affidavit with the Court, verifying that all PHI, in whatever form, in his/her/its possession has been identified and returned to counsel for Plaintiff, and that no Defendant has retained any PHI in any form (paper, electronic, or otherwise.).

2. Defendants shall, no later than ^{April} ~~January~~ 1, 2010, file with the Court, affidavits from each former employee and/or contractor who had access to PHI during the course of the audit, including Donna McMillen, Suann Manning, Mary Doster, Anne McMaster and Andrea Berman, verifying that all PHI, in whatever form, in her possession has been identified and returned to counsel for Plaintiff and that she has retained no PHI in any form (paper, electronic, or otherwise.).

3. Former counsel for Defendant, Andrew Haynes, shall return all PHI in his possession, whether in paper or electronic form, to counsel for Plaintiff no later than ^{April} ~~January~~ 1, 2010. Mr. Haynes shall, by said date, file an affidavit with the Court, verifying that all PHI, in whatever form, in his possession has been identified and returned to counsel for Plaintiff and that he has retained no PHI in any form (paper, electronic, or otherwise.).

4. Rick Barry shall return all PHI in his possession, whether in paper or electronic form to counsel for Plaintiff no later than ^{April} ~~January~~ 1, 2010. Mr. Barry shall, by said date, file an affidavit with the Court, verifying that all PHI, in whatever form, in his possession has been identified and returned to counsel for Plaintiff and that he has retained no PHI in any form (paper, electronic, or otherwise.).

5. Counsel for Defendants in the instant litigation shall return all PHI in their firm's possession, whether in paper or electronic form to counsel for Plaintiff no later than ^{April} ~~January~~ 1,

2010. Counsel for Defendants shall further file an affidavit with the Court, verifying that all PHI, in whatever form, in their possession has been identified and returned to counsel for Plaintiff and that they have retained no PHI in any form (paper, electronic, or otherwise.).

6. Defendants are permanently enjoined from making any further disclosure of PHI of any participant in Plaintiff's self-insured group health plan at any time.

7. This Judgment, Order and Mandatory Injunction shall apply to all those named above, as well as to: all persons, entities and organizations who have knowledge of this Judgment, Order and Mandatory Injunction; and to all persons, entities and organizations acting and/or who acted in concert with all those named above.

IT IS SO ORDERED ON THIS 22nd DAY OF March, 2010:


E. Richard Webber, U.S. District Judge